

The City Council of the City of Seabrook met in regular session on Tuesday, March 6, 2018 at 7:00 p.m. in Seabrook City Hall, 1700 First Street, Seabrook, Texas to discuss, consider and if appropriate, take action on the items listed below.

THOSE PRESENT WERE:

THOM KOLUPSKI
ROBERT LLORENTE – arrived 7:39pm
LAURA DAVIS
GARY JOHNSON

NATALIE PICHA
GLENN ADOVASIO – ex. abs
JOE MACHOL
GAYLE COOK
SEAN LANDIS
STEVE WEATHERED
ROBIN HICKS

MAYOR
COUNCIL PLACE NO. 1
COUNCIL PLACE NO. 2
MAYOR PRO TEM &
COUNCIL PLACE NO. 3
COUNCIL PLACE NO. 4
COUNCIL PLACE NO. 5
COUNCIL PLACE NO. 6
CITY MANAGER
DEPUTY CITY MANAGER
CITY ATTORNEY
CITY SECRETARY

Mayor Kolupski called the meeting to order at 7:00 p.m. and led the audience in the United States and Texas Pledge of Allegiance.

1. PUBLIC COMMENTS AND ANNOUNCEMENTS - none

1.1 Mayor, City Council and/or members of the city staff may make announcements about city/community events. (Council)

Councilmember Davis announced several upcoming events, including CCISD Spring Break; Lucky Trail Marathon; Trash Bash; Easter Egg Hunt; last day to register to vote; early voting; Symphony League Home Tour; and Bike around the Bay.

Mayor Pro Tem announced that March 6 is Councilmember Johnson's birthday.

2. BID AWARDS

2.1 Consider and take all appropriate action on a Bid Award for RFP 2018-105-1 for Pine Gully Pier Repairs to the only bidder to submit a complete proposal, Crawley Shoreline Construction, Inc., and authorize the execution of a contract between the City of Seabrook and Crawley Shoreline Construction, Inc., in an amount not to exceed \$66,420.00. This is not a budgeted item. This work may be eligible for FEMA reimbursement. The 1295 form has been submitted and certified. (Padgett)

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Kevin Padgett, Director of Public Works, explained that staff recommends to award the bid to Crawley Shoreline construction, the only bidder to submit a bid bond and a complete bid packet. Crawley has done work for City in the past, and in particular, work on the pier and the breakwater at Pine Gully. Crawley can handle the project and handle it timely. Even though the only other bidder was significantly below the estimate, it failed to submit a bid bond. The City cannot do this work itself, as it will take a boat and many hours of man power, with 800 bolts to be replaced. It should take about four weeks to finish. The goal is to be complete by May 1.

Mayor Kolupski asked if the City went back out for bids, would there be a possibility that the bid bond would be submitted by the other bidder. Mr. Padgett explained that there is a fear that Crawley has already shown its price/cost, so that other contractors will either pull out or raise their prices. Crawley was actually closer to the actual estimate.

Motion was made by Councilmember Johnson and seconded by Councilmember Picha

To approve a Bid Award for RFP 2018-105-1 for Pine Gully Pier Repairs to the only bidder to submit a complete proposal, Crawley Shoreline Construction, Inc., and authorize the execution of a contract between the City of Seabrook and Crawley Shoreline Construction, Inc., in an amount not to exceed \$66,420.00.

MOTION CARRIED BY UNANIMOUS CONSENT

2.2 Consider and take all appropriate action on a Bid Award for RFP 2018-106-1 for Red Bluff and Todville Water Meter and Valve Vault Repairs to the only bidder, Environmental Improvements, Inc., and authorize the execution of a contract between the City of Seabrook and Environmental Improvements, Inc., in an amount not to exceed \$84,848.95. This is not a budgeted item. This work may be eligible for FEMA reimbursement. The 1295 form has been submitted and certified. (Padgett)

Kevin Padgett, Director of Public Works, explained that staff recommends awarding the bid to Environmental Improvements, Inc., who worked on the Red Bluff vault after IKE. This work will include that vault plus the vault on Todville. All components on both were inspected immediately after the storm, and there was no corrosion. When both were re-inspected 30 days later, corrosion was present. FEMA states that this project will probably be eligible for reimbursement. Several different contractors came out to look and most were either sales of the components and not necessarily the labor and others couldn't get the components without going through those sales teams. Environmental Improvements can do both. There is no problem with one bid for the FEMA reimbursement process because the City completed all of the requirements of the bidding process, including the advertising. The City might have received only 1 bid because many contractors are busy right now, especially with the previous contract on the pier. The procurement process requires advertising through newspapers and other sources and City staff also reached out contractors who have worked for the City in the past.

Motion was made by Councilmember Picha and seconded by Councilmember Machol

To approve a Bid Award for RFP 2018-106-1 for Red Bluff and Todville Water Meter and Valve Vault Repairs to the only bidder, Environmental Improvements, Inc., and authorize the execution of a contract between the City of Seabrook and Environmental Improvements, Inc., in an amount not to exceed \$84,848.95.

MOTION CARRIED BY UNANIMOUS CONSENT

3. *CONSENT AGENDA*

3.1 Approve on second reading proposed Ordinance 2018-07, "Readopting Curfew Regulations for Minors". (Wright)

AN ORDINANCE READOPTING THE CURRENT CURFEW REGULATIONS FOR MINORS CONTAINED IN THE SEABROOK CITY CODE, CHAPTER 44, SECTION 44-95 "CURFEW FOR MINORS" PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$500 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR NOTICE

3.2 Approve the Annual Racial Profiling Report as mandated by the State of Texas. (Wright)

3.3 Approve an excused absence for Robert Llorente and Glenna Adovasio for the February 20, 2018 regular City Council meeting. (Hicks)

Motion was made by Councilmember Davis and seconded by Councilmember Johnson

To approve the Consent Agenda as presented.

MOTION CARRIED BY 5-0 VOTE, with Councilmember Llorente abstaining.

4. *NEW BUSINESS*

4.1 Consider and take all appropriate action on a Funding Agreement between the City of Seabrook and the Seabrook Economic Development Corporation for the Acquisition and Funding of Real Property for Economic Development of "Old Seabrook". (Cook / Chavez)

Gayle Cook, City Manager, explained that a previous agreement of EDC allows a funding mechanism from EDC to acquire this property. This is also a project for the EDC, "Redevelopment of Old Seabrook", for a total of \$750,000, which includes land acquisition; therefore a public purpose is satisfied by the City Council as well. Public hearing notices have been published and held at EDC and City Council.

Motion was made by Councilmember Johnson and seconded by Councilmember Machol

To approve a Funding Agreement between the City of Seabrook and the Seabrook Economic Development Corporation for the Acquisition and Funding of Real Property for Economic Development of "Old Seabrook".

MOTION CARRIED BY UNANIMOUS CONSENT

4.2 Consider and take all appropriate action on proposed Resolution 2018-12, "Authorization for Acquisition of Property for further development of Old Seabrook - 1209 Main Street. (Cook)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, AUTHORIZING PROCEEDING FOR THE ACQUISITION OF CERTAIN REAL PROPERTY FOR FURTHER DEVELOPMENT OF "OLD SEABROOK"; CONSISTING OF LAND LOCATED AT 1209 MAIN STREET, LOTS 1 AND 2, BLOCK 23, MAP OF SEABROOK, HARRIS COUNTY, TEXAS (THE "PROPERTY"); DETERMINING THE PUBLIC NECESSITY AND JUST COMPENSATION FOR THE PROPERTY FOR SUCH PROJECT; AUTHORIZING APPROVAL/ EXECUTION OF THE "CONTRACT FOR SALE OF REAL PROPERTY", ("CONTRACT") ATTACHED HERETO AS EXHIBIT "A"; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE PROPERTY, INCLUDING IDENTIFYING FUNDS FOR PURCHASE/PAYMENT, INCLUDING ALL ASSOCIATED COSTS FOR DUE DILIGENCE AND CLOSING IN ACCORDANCE WITH THE CONTRACT AND IN COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS AND CHARTER; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW

Motion was made by Councilmember Davis and seconded by Councilmember Machol

To approve Resolution 2018-12, "Authorization for Acquisition of Property for further development of Old Seabrook - 1209 Main Street".

MOTION CARRIED BY UNANIMOUS CONSENT

4.3 Consider and take all appropriate action on first of two readings of proposed Resolution 2018-14, "EDC Project Designation for Mario's Pizza, Inc (DBA Mario's Pizza & Pasta) and Approval of SEDC Expenditures for Retention, Relocation, Construction of New Restaurant pursuant to Performance Agreement. (Chavez)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS, APPROVING A PROJECT OF THE SEABROOK ECONOMIC DEVELOPMENT CORPORATION TO PROVIDE BUSINESS INCENTIVES TO MARIO'S PIZZA, INC IN AN AMOUNT NOT TO EXCEED \$109,767.48 FOR RETENTION, RELOCATION, CONSTRUCTION AND IMPROVEMENT OF A NEW RESTAURANT, PURSUANT TO THE TERMS AND CONDITIONS OF THE "ECONOMIC DEVELOPMENT AGREEMENT", ATTACHED HERETO

Paul Chavez, Economic Development Director, stated that this project is for the relocation of Mario's Pizza in Seabrook from its current 146 location to a Nasa Pkwy location. EDC incentive funding is for retention of existing properties being replaced by the 146 expansion project.

Motion was made by Councilmember David and seconded by Councilmember Machol

To approve on first of two readings proposed Resolution 2018-14, "EDC Project Designation for Mario's Pizza, Inc (DBA Mario's Pizza & Pasta) and Approval of SEDC Expenditures for Retention, Relocation, Construction of New Restaurant pursuant to Performance Agreement.

MOTION CARRIED BY UNANIMOUS CONSENT

4.4 Consider and take all appropriation action on a contract renewal between the City of Seabrook and Sprint Waste Services, LP for Disposal of Municipal Sludge at a price of \$427 per dry ton, an increase from \$388.48 per dry ton. This renewal is the first of two optional twelve month extensions. (Padgett)

Kevin Padgett, Director of Public Works, explained that staff recommends renewing the 12 month extension with the current contractor, Sprint Waste. The new, higher rate the result of landfill costs increasing since Harvey because of the increased amount of debris. All landfills are raising rates. Seabrook hauls an average of 300 tons per year; therefore, \$125,000 is budgeted.

Motion was made by Councilmember Johnson and seconded by Councilmember Machol

To approve a contract renewal between the City of Seabrook and Sprint Waste Services, LP for Disposal of Municipal Sludge at a price of \$427 per dry ton, an increase from \$388.48 per dry ton.

MOTION CARRIED BY UNANIMOUS CONSENT

4.5 Consider and take all appropriate action on Election Communication Guidelines. (Dearman / Hicks)

LeaAnn Dearman, Director of Communications, explained that many cities do not have similar guidelines. Staff is recommending guidelines because the Texas Election Code mandates certain election notifications be published in the newspaper. Social media is used for getting information out to voters that are not getting their information from the newspaper.

Motion was made by Councilmember Machol and seconded by Councilmember Johnson

To approve Election Communication Guidelines

MOTION CARRIED BY UNANIMOUS CONSENT

5. ROUTINE BUSINESS

5.1 Update on Hurricane Harvey expenses and claims, and all other associated items. (Galyean)

Gayle Cook, City Manager, stated that the City applied for mitigation funding and an application has been turned in the Wastewater Treatment Plant, in the amount of \$36 million for all phases to relocate the plant. Other projects include a regional mitigation plan and a number of items on the City's CIP plan that have been earmarked as needing to be completed quickly. All public assistance projects have been submitted for FEMA funding/reimbursement. The City has gotten the green light on the two largest projects (all overtime for \$350,000 and debris removal for \$75,000) for reimbursement.

5.2 Approve the Action Items Checklist which is attached and made a part of this Agenda. (Council)

TXDOT – Gayle Cook, City Manager, stated that staff met with TXDOT on Monday, and the City is getting to the stage where funding agreement signed by the City needs to be returned to TXDOT for utility relocates and aesthetic upgrades costs. Relocates costs are right at \$4.4 million. TXDOT has worked closely with Public Works and will bend over backwards to make sure the the City's two utility lines are relocated to the TXDOT right of way. The City met previously with the TXDOT head engineer, Quincy Allen, to discuss the \$4.4 million eligibility to go into the TXDOT cost portion, but received no straight answers. No was not said, and yes was not said. Staff will look at proceeding State Infrastructure Bank application for funding, which will require a Council approved resolution to move forward. The TXDOT advanced funding agreement needs to be signed. The State Infrastructure Bank would be a good option because the City would have the ability to ask for three different draws and there is flexibility in how the funds can be repaid, which could be done at the end of the project. The aesthetics cost estimate at \$1.2 million with TXDOT picking up another \$1.3 million of the total. TXDOT asked City's consultants to look at standard costs so that they can approve them, after the City asked for a true delta. Staff will have more details after the City's consultants complete the research. Stabilized sand instead of concrete has been disussed, with other items, to try and cut the cost. The aesthetics costs would also be put into an advanced funding agreement. The City will need flexibility, so TXDOT will allow 3-4 payments. There are two property hearings still scheduled at City Hall and all others have settled. Acquisition is at 60%, and TXDOT is starting to finalize offers on the West side. Sonic and Wells Fargo are in demolition now.

PROJECTS – Ms. Cook stated that staff is still working on closing out the Public Works complex and still holding the contingency. The kickoff for the Todville sewer project was today and the start date is April 2.

GRANT ADMINISTRATION – no update at this time.

Motion was made by Councilmember Picha and seconded by Councilmember Davis

To approve the Action Items Checklist

MOTION APPROVED BY UNANIMOUS CONSENT

5.3 Establish future meeting dates and agenda items. (Council)

March 20; Natalie will be in DC and will be absent

6. CLOSED EXECUTIVE SESSION

6.1 Section 551.072

Discuss the purchase, lease, or exchange of real property in closed session due to potential detrimental effect on City in negotiations with third party if conducted in open session, as provided by Section 551.072 of the Texas Government Code. (Cook)

At 7:46 p.m. Mayor Kolupski announced that the City Council will now hold a closed executive meeting pursuant to the provisions of the Open Meetings Act, Chapter 551 Government Code, and Vernon's Texas Codes Annotated, in accordance with authority contained in Section 551.072, Real Property.

7. OPEN SESSION – 8:26pm

Council will reconvene in open session to allow for possible action on any of the agenda items listed above under "Executive Session."

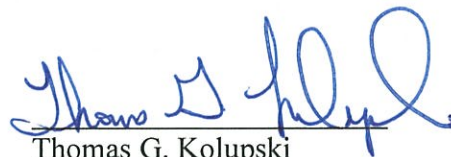
At 8:26 p.m. Mayor Kolupski reconvened in open session and stated that item 6.1 had been discussed, but that no action had been taken in executive session.

Upon motion duly made and seconded, Mayor Kolupski adjourned the meeting at 8:26 p.m.

Approved this 3rd day of April, 2018.



Robin Hicks, TRMC
City Secretary



Thomas G. Kolupski
Mayor